

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

RICHARD ANROLD NESMITH,	)	
	)	
Plaintiff,	)	Civil Action No. 19-1373
	)	
v.	)	Judge Cathy Bissoon
	)	Magistrate Judge Lisa Pupo Lenihan
BEAVER COUNTY TASK FORCE,	)	
<i>et al.</i> ,	)	
	)	
Defendants.	)	

**MEMORANDUM ORDER**

This case has been referred to Magistrate Judge Lisa Pupo Lenihan for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. §§ 636(b)(1)(A) and (B), and Local Rule of Civil Procedure 72.

On February 6, 2020, the Magistrate Judge issued a Report (Doc. 5) recommending that Plaintiff's case be dismissed under Poulis v. States Farm Fire & Cas. Co., 747 F.2d 863 (3d Cir. 1984). Service of the Report and Recommendation ("R&R") was made on Plaintiff and, shortly before the objections-period expired, Plaintiff submitted a two-sentence written statement: "I have been unable to pursue the above case due to surgery, chronic illness and continuing cancer treatment. Please continue this case." Doc. 7.

In light of Plaintiff's *pro se* status, the Court will construe Plaintiff's submission as Objections, and they are OVERRULED. Assuming Plaintiff requests that his case be continued, for an indefinite period, until his health condition(s) either permit or preclude a meaningful prosecution of his grievances – such an approach is not supported by the law. Otherwise, Plaintiff's filing does not undermine the Magistrate Judge's well-reasoned *Poulis* analyses.

Accordingly, and after a *de novo* review of the pleadings and documents in the case, together with the Report and Recommendation and the Objections thereto, the following Order is entered:

This case is **DISMISSED** under *Poulis v. States Farm Fire & Cas. Co.*, 747 F.2d 863 (3d Cir. 1984), and the Magistrate Judge's R&R (Doc. 5) hereby is adopted as the Opinion of the District Court.

IT IS SO ORDERED.

March 3, 2020

s/Cathy Bissoon  
Cathy Bissoon  
United States District Judge

cc (via First-Class U.S. Mail):

Richard Nesmith  
149 Colonial Oaks Drive Apt 77d  
Beaver Falls, PA 15010